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CERTIFICATE OF MAILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: October 10, 2006 Name: Gregory H. Zavia - Reg. No. 48,059 Signature: *Gregory Zavia*

**BRINKS**  
**HOFER**  
**GILSON**  
**& LIONE**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Appln. of: Johann Karl et al.

Appln. No.: 09/890,442

Examiner: James Leslie Grun, Ph.D.

Filed: January 31, 2002

Art Unit: 1641

For: Assay for the Detection of N-Terminal proBNP

Attorney Docket No.: 9793/73

**TRANSMITTAL**

RDGmbH Ref.: 18931-US/IR (5181/0Q/US)  
RDC Ref.: BMID 9903 US

Mail Stop After Final  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**Attached is/are:**

Transmittal (in duplicate); Second Supplemental Information Disclosure Statement; Form PTO-1449; One (1) Cited Reference (C2)

Return Receipt Postcard

**Fee calculation:**

No additional fee is required.

Small Entity.

An extension fee in an amount of \$ \_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 CFR § 1.136(a).

A petition or processing fee in an amount of \$180.00 under 37 CFR § 1.17(p).

An additional filing fee has been calculated as shown below:

|   | Claims Remaining After Amendment |       | Highest No. Previously Paid For | Present Extra | Rate    | Add'l Fee | or | Rate     | Add'l Fee |
|---|----------------------------------|-------|---------------------------------|---------------|---------|-----------|----|----------|-----------|
| Total                                     |                                  | Minus |                                 |               | x \$25= |           |    | x \$50=  |           |
| Indep.                                    |                                  | Minus |                                 |               | x 100=  |           |    | x \$200= |           |
| First Presentation of Multiple Dep. Claim |                                  |       |                                 |               | +\$180= |           |    | +\$360=  |           |
|   |                                  |       |                                 |               | Total   | \$        |    | Total    | \$        |

**Fee payment:**

A check in the amount of \$180.00 is enclosed.

Please charge Deposit Account No. 23-1925 in the amount of \$ \_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.

Payment by credit card in the amount of \$ \_\_\_\_\_ (Form PTO-2038 is attached).

The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

*October 10, 2006*  
Date

*Gregory Zavia*  
Gregory H. Zavia (Reg. No. 48,059)

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on October 10, 2006

Date of Deposit

Gregory H. Zayia – Reg. No. 48,059

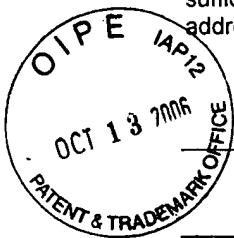
Name of applicant, assignee or  
Registered Representative

*Gregory Zayia*

Signature

*October 10, 2006*

Date of Signature



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Art Unit: 1641

## SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 CFR §1.56 and §§1.97-1.98, and more particularly in accordance with 37 CFR §1.97(d), Applicants hereby cite the references C1 and C2 listed on the enclosed Form PTO-1449 (one sheet). Applicants respectfully request the Examiner's consideration of the listed references and entry thereof into the record of this application.

By submitting this Statement, Applicants are attempting to fully comply with the duty of candor and good faith mandated by 37 CFR §1.56. As such, this Statement is not intended to constitute an admission that the listed references, or other information

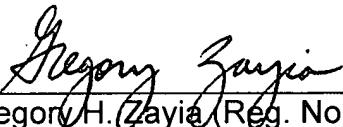
referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 CFR §1.56(a).

Applicants hereby certify pursuant to 37 CFR §1.97(e)(1) that no item of information in this Statement was first cited in any communication from a foreign patent office in a counterpart foreign application more than three months prior to the filing of this Statement (a copy of a European Search Report first citing the listed references is attached for the Examiner's reference). Applicants have further calculated a processing fee in the amount of \$180.00 to be due under 37 CFR §1.17(p) in connection with the filing of this Statement. Applicants have enclosed a check covering this fee, or authorized charging the fee to a deposit account or credit card, as indicated in the Transmittal accompanying this Statement.

Respectfully submitted,

October 10, 2006

Date

  
\_\_\_\_\_  
Gregory H. Zayia (Reg. No. 48,059)



|  |                               |   |
|--|-------------------------------|---|
| FORM PTO-1449  | APPLICATION NO.<br>09/890,442 | ATTORNEY DOCKET NO.<br>9793/73          |
| LIST OF PATENTS AND PUBLICATIONS FOR<br>APPLICANTS' SECOND SUPPLEMENTAL<br>INFORMATION DISCLOSURE STATEMENT<br>(use several sheets if necessary) |                               | FILING DATE<br>January 31, 2002         |
|  |                               | FIRST NAMED INVENTOR: Johann Karl       |
|  |                               | EXAMINER NAME: James Leslie Grun, Ph.D. |

#### U.S. PATENT DOCUMENTS

| EXAMINER INITIALS | Cite No. | DOCUMENT NUMBER<br>Number-Kind Code<br>(if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Class/<br>Subclass | Filing Date |
|-------------------|----------|---|--------------------------------|--|--------------------|-------------|
|                   | C1       | 5,156,977   | 10-20-1992                     | Hirth et al.                                       |                    |             |
|                   |          |   |                                |  |                    |             |

#### FOREIGN PATENT DOCUMENTS

| EXAMINER INITIALS | Cite No. | DOCUMENT NUMBER<br>Country Code, Number<br>-Number-Kind Code (if<br>known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Class/<br>Subclass | T |
|-------------------|----------|--|--------------------------------|--|--------------------|---|
|                   |          |  |                                |  |                    |   |
|                   |          |  |                                |  |                    |   |

#### NON PATENT LITERATURE DOCUMENTS

|                   |          |   |   |
|-------------------|----------|---|---|
| EXAMINER INITIALS | Cite No. | (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.) | T |
|                   | C2       | Copy of European Search Report dated August 4, 2006 for European Patent Application No. 06010440.3  |   |
|                   |          |   |   |

NOTE: For "T" – please place an "X" if an English translation is being provided to the Patent Office.

|          |                 |
|----------|-----------------|
| EXAMINER | DATE CONSIDERED |
|----------|-----------------|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.